

By: Taylor of Galveston

S.B. No. 1660

A BILL TO BE ENTITLED

AN ACT

relating to the minimum amount of student instruction required to be provided by school districts and calculation of average daily attendance for public school students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.081, Education Code, is amended by amending Subsections (a), (b), (c), and (e) and adding Subsection (a-1) to read as follows:

(a) Except as authorized under Subsection (b) of this section, Section 25.084, or Section 29.0821, for each school year each school district must operate so that the district provides for at least, at the choice of the district:

(1) 75,600 minutes of instruction, including intermissions and recesses, for students; or

(2) 180 days of instruction for students.

(a-1) In accordance with rules adopted by the commissioner, each school district shall notify the commissioner whether the district will comply with Subsection (a) on the basis of minutes of instruction or days of instruction.

(b) The commissioner may approve the instruction of students for fewer than the number of minutes or days required under Subsection (a) if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.

(c) If the commissioner does not approve reduced

1 instruction time under Subsection (b), a school district may add
2 additional minutes to the end of the district's normal school hours
3 or additional days to the district's normal school calendar as
4 necessary to compensate for minutes or days of instruction lost due
5 to school closures caused by disaster, flood, extreme weather
6 conditions, fuel curtailment, or another calamity.

7 (e) For purposes of this code, a reference to a day of
8 instruction means a calendar day in which a student is scheduled for
9 and receives at least the minimum number of instructional minutes
10 required for the student to be considered full-time for the purpose
11 of calculating average daily attendance under Section 42.005 [~~420~~
12 ~~minutes of instruction~~].

13 SECTION 2. Section 25.082(a), Education Code, is amended to
14 read as follows:

15 (a) A school day shall be at least seven hours each day,
16 including intermissions and recesses, except as otherwise provided
17 for a school or program described by Section 42.005(j).

18 SECTION 3. Section 42.005, Education Code, is amended by
19 amending Subsection (a) and adding Subsections (a-1), (a-2), (g-1),
20 and (i) through (o) to read as follows:

21 (a) In this chapter, average daily attendance is:

22 (1) the quotient of the sum of attendance for each day
23 of the minimum number of days of instruction or the minimum number
24 of minutes of instruction, including intermissions and recesses, as
25 described under Section 25.081(a) divided by the minimum number of
26 days of instruction or the minimum number of minutes of
27 instruction, including intermissions and recesses;

1 (2) for a district that operates under a flexible year
2 program under Section 29.0821, the quotient of the sum of
3 attendance for each actual day of instruction as permitted by
4 Section 29.0821(b)(1) divided by the number of actual days of
5 instruction as permitted by Section 29.0821(b)(1); or

6 (3) for a district that operates under a flexible
7 school day program under Section 29.0822, the average daily
8 attendance as calculated by the commissioner in accordance with
9 Sections 29.0822(d) and (d-1).

10 (a-1) If a district or charter school provides more than 180
11 days or 75,600 minutes of instruction to students, the commissioner
12 may adjust the determination of average daily attendance under
13 Subsection (a) to reflect the increased instructional time.

14 (a-2) A district or charter school is eligible to earn full
15 average daily attendance under Subsection (a) if the school or
16 district provides at least 240 minutes of instructional time to
17 students each day.

18 (g-1) The commissioner shall adopt rules to calculate
19 average daily attendance for students participating in a blended
20 learning program in which classroom instruction is supplemented
21 with applied workforce learning opportunities, including
22 participation of students in internships, externships, and
23 apprenticeships.

24 (i) A district or a charter school operating under
25 Subchapter B, D, or E, Chapter 12, that operates a prekindergarten
26 program is eligible to receive one-half of average daily attendance
27 under Subsection (a) if the district's or charter school's

1 prekindergarten program provides at least 32,400 minutes of
2 instructional time to students.

3 (j) A district or charter school is eligible to earn full
4 average daily attendance under Subsection (a) if the district or
5 school provides at least 43,200 minutes of instructional time to
6 students enrolled in:

7 (1) a dropout recovery school or program operating
8 under Section 12.1141(c) or Section 39.0548;

9 (2) an alternative education program operating under
10 Section 37.008 or 37.011;

11 (3) a school program located at a day treatment
12 facility, residential treatment facility, psychiatric hospital, or
13 medical hospital;

14 (4) a school program offered at a correctional
15 facility; or

16 (5) a charter school operating under Subchapter B, D,
17 or E, Chapter 12.

18 (k) A charter school operating under a charter granted under
19 Subchapter B, D, or E, Chapter 12, before September 1, 2015, is
20 eligible to earn full average daily attendance under Subsection
21 (a), as that subsection existed immediately before September 1,
22 2015, for:

23 (1) all campuses of the charter school operating
24 before September 1, 2015; and

25 (2) any campus or site expansion approved on or after
26 September 1, 2015.

27 (l) A district or charter school may operate two programs

1 and be eligible for full average daily attendance for both
2 programs, if the programs operated by the district or charter
3 school satisfy all applicable state and federal requirements.

4 (m) In accordance with rules adopted by the commissioner,
5 each charter school operating under Subchapter B, D, or E, Chapter
6 12, shall notify the commissioner whether the charter school will
7 provide instruction to students on the basis of minutes of
8 instruction or days of instruction, as provided by Section
9 25.081(a).

10 (n) The commissioner shall adopt rules necessary to
11 implement this section, including rules that:

12 (1) establish the minimum number of minutes of
13 instructional time per day that results in 180 days of instruction
14 or 75,600 minutes of instruction for students, as applicable;

15 (2) establish any requirements necessary to allow a
16 district or charter school to be eligible for one-half of average
17 daily attendance under Subsection (a), which may differ based on
18 the instructional program offered by the district or charter
19 school; and

20 (3) proportionally reduce the amount of funding a
21 district or open-enrollment charter school receives under this
22 chapter, Chapter 41, or Chapter 46 and the average daily attendance
23 for the district or charter school if the district or
24 open-enrollment charter school operates on a calendar that provides
25 fewer than the required minimum days or minutes of instruction to
26 students.

27 (o) In this section, "instructional time" means the time

1 allocated by a district or charter school toward instructing
2 students in the required curriculum described by Section 28.002 and
3 includes time allocated for recess, intermissions, and serving
4 breakfast and lunch to students.

5 SECTION 4. This Act applies beginning with the 2017-2018
6 school year.

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2017.